

TRAVEL ORDINANCE OF THE HOOPA VALLEY TRIBE  
HOOPA VALLEY INDIAN RESERVATION  
HOOPA, CALIFORNIA

TITLE 7

ORDINANCE NO: 1-90, AS AMENDED

DATE APPROVED: August 7, 2003

SUBJECT: RULES AND PROCEDURES FOR OFFICIALS AND EMPLOYEES OF THE HOOPA VALLEY TRIBAL COUNCIL WHEN TRAVELING AND INCURRING EXPENSES FOR OFFICIAL BUSINESS ON BEHALF OF THE TRIBE

WHEREAS: The Hoopa Valley Tribe adopted a Constitution and Bylaws on June 20, 1972, which was approved by the Commissioner of Indian Affairs on August 18, 1972, and Article IX thereof, imposes broad responsibilities on the Hoopa Valley Business Council, as the Tribe's governing body, to represent and pursue the interests of the Tribe in a manner that necessitates frequent travel both in and out of state;

WHEREAS: Such official Tribal government travel is generally paid with funds derived directly from Tribal revenues or from other funds under the control of the Council, and Article IX, Section 1.c of the Tribe's Constitution and Bylaws expressly authorizes Council, "to collect and expend any Hoopa Valley Tribal funds," and

WHEREAS: In order to establish safeguards for the protection of tribal funds and of officials and employees incurring expenses from such funds while traveling on behalf of the Tribe, the Tribal Council has developed this Ordinance to establish rules and procedures for those persons traveling for the Tribe.

NOW THEREFORE BE IT RESOLVED THAT: The Hoopa Valley Tribal Council hereby enacts this Tribal Travel and Expense Act, to be codified as Title 7 of the Hoopa Valley Tribal Code, and that this Act shall be in full force and effect as of the date of its enactment and shall supersede all previous Ordinances and policies to the extent that they are inconsistent with this Act.

## **Title 7**

### **7.0 SHORT TITLE**

The short title of this Act shall be the Travel and Expense Act.

### **7.1 PURPOSE**

The purpose of this Act shall be to govern all local and non-local travel by members of the Tribal Council, its staff and employees, whether using Tribal or other funds under the control of the Tribe. It is the Tribe's policy that travel shall be conducted in the most efficient and economical means possible and that minimizes the financial impact on program activities and functions. This Act shall further govern the use of Tribal credit cards of the Council, its programs and projects and any officials and employees thereof.

### **7.2 APPLICABILITY**

The provisions of this Act shall govern any and all officials and employees of the Tribe, and any person contracted for services by the Tribe, during the course of official Tribal business. Any travel or other expenses incurred that are not in accordance with this Act shall be presumed to be unauthorized and shall not be subject to reimbursement and payment by the Tribe. This ordinance applies to Tribally chartered entities unless said entities have adopted their own travel ordinance that is expressly approved by the Tribal Council.

### **7.3 DEFINITIONS**

- a) "Council" means the Hoopa Valley Tribal Council as established by the Hoopa Valley Tribal Constitution and Bylaws.
- b) "Tribal Court" means the Hoopa Valley Tribal Court.
- c) "Per Diem" means an allowance of a set amount of money per day to cover expenses for meals, tips, valet parking, bell service, personal phone calls and other incidental expenses while traveling for official Tribal business.
- d) Personal phone calls shall not be reimbursed by the Tribal Council. There will be no exceptions.

### **7.4 TRAVEL FOR OFFICIAL TRIBAL BUSINESS**

The only travel for which payment and reimbursement is authorized under this Act shall be for official Tribal activities for which an ongoing program or project has been established; except that travel may be authorized for any activity for which no existing program or project has been established, provided that the official authorized for such travel is responsible for developing a proposal, plan or recommendations on such activity for submission to the Council within 30 days from the date of return. Council members and employees of the Tribe are subject to all applicable Tribal ordinances, rules, regulations, and policies, including but not limited to the Tribe's Drug and Alcohol Policy at all times while on travel. Council members and employees of the Tribe shall physically attend the activities for which travel is authorized. Failure to attend, except for good cause, shall be considered gross misconduct and shall be grounds for disciplinary action up to and including removal or termination.

## 7.5 TRAVEL AND EXPENSE AUTHORITY

### 7.5.1 Local Travel

Local travel shall be that within a 100 mile radius of the Tribal Office Building ( includes travel to Redding, California). Program managers shall have approval authority for such travel

### 7.5.2 In-Region Travel

In-Region travel shall be that beyond the local travel radius but within the States of California, Oregon, Washington, Arizona, Nevada, Idaho, Montana, Utah, Colorado, and New Mexico and not exceeding four (4) nights' duration. The Tribal Chairperson shall have exclusive authority for approval of such travel.

### 7.5.3 Out of Region and Extended Travel

Out of Region travel means that which is beyond the borders of the states specified in subsection 7.5.2; extended travel means any travel away from the Hoopa Valley Reservation, regardless of distance, for more than four (4) nights. The Tribal Council shall have exclusive approval authority over such travel.

## 7.6 TRAVEL ARRANGEMENTS AND RECORD KEEPING

The Tribal Council and each department will assign to an employee the following duties and responsibilities:

a) To make all travel arrangements and accommodations, flying coach or business class provided that first class air travel is prohibited for In-Region Travel as defined by 7.5.2 except in situations where no other rates are available or upon the express authorization of the Hoopa Valley Tribal Council.

b) To fill out all travel advance requests.

c) To provide a receipt envelope with a copy of the travel advance request for the official prior to the travel.

d) To receive all credit card, parking, rental car, hotel, taxi and air flight receipts and other travel information necessary to liquidate a travel advance after the trip.

e) To liquidate travel advance requests on the appropriate form and send such form to the Fiscal Department showing the amount owed or due, or account closed. Original receipts must be dated and legible.

## 7.7 PER DIEM RATE

a) For the Tribal Council and those departments and programs utilizing tribal funds, individuals shall be paid a per diem rate of \$85.00 for travel to Washington, D.C. or other locations as approved by the Tribal Council and \$60.00 for overnight travel to all other locations. There shall be no per diem allowance for travel that does not include an overnight stay.

b) Partial Per Diem Rates. Individuals requiring overnight travel shall be paid a per diem for days of departure from Hoopa, California and return to Hoopa, California in accordance with section 7.7 (a), above, at the following rates:

<b>Depart/Leave</b>	<b>Depart/Leave</b>
Prior to 12:00 P.M.	After 12:00 P.M.
Full Per Diem Rate	One-half (1/2) Per Diem Rate

<b>Return/Arrive</b>	<b>Return/Arrive</b>
Prior to 12:00 P.M.	After 12:00 P.M.
One-half Per Diem Rate	Full Per Diem Rate

Individuals shall be paid a full per diem rate for each full day of overnight travel other than departure and return days, which shall be paid in accordance with this Act.

c) Reimbursements for non-overnight travel will be for actual costs upon presentation of receipts. Departments and programs funded by Federal or State grants that specify per diem rates must follow the applicable rates approved by the granting agency. Program managers may implement written policies regarding disbursement of, and entitlement to, partial or full payment of per diem, that do not exceed the rate(s) established.

## 7.8 TRIBAL CREDIT CARDS

a) The Hoopa Valley Tribal Council shall maintain a credit card(s) for the limited purpose of reserving hotel accommodations or reserving rental vehicles for Council members and employees of the Hoopa Valley Tribe. Council members and employees are prohibited from using a Tribal credit card to incur charges of any sort on behalf of the Hoopa Valley Tribe or its entities unless expressly approved by the Hoopa Valley Tribal Council prior to incurring said charges.

b) GSA Cards. Nothing herein shall prohibit the use of General Service Administration gas cards for the purpose of operation of GSA vehicles for official Tribal business.

## 7.9 MILEAGE RATES

The use of private vehicles for Tribal business is authorized ONLY if the vehicle owner has registered his/her insurance information with the Tribe and the person who will operate the vehicle is a legal operator as determined under the laws of the Tribe and State of California. It is the policy of the Tribe to utilize Tribally owned vehicles to the greatest extent possible. Legal operators using private vehicles for tribal business using Tribal funds shall be paid at the rate of \$.40 per mile. Attached hereto as Exhibit A is standard mileage reimbursement table to be used as a guide in determining reasonable mileage reimbursement. Exhibit A may be updated annually or as determined necessary. All mileage reimbursement shall be paid based upon the actual mileage traveled as determined by the odometer reading. Those departments and programs utilizing Federal or State grant funds that specify mileage reimbursement rates shall be paid the amount authorized by the granting agency. Mileage reimbursement shall only be paid for one roundtrip to and from a specific destination as necessary to conduct Tribal business. For example, mileage reimbursement for travel to the Eureka/Arcata airport shall only be paid for the actual mileage of one roundtrip to and from the airport from the point of origin, e.g., Hoopa to McKinleyville. No mileage reimbursements shall be paid in conflict with this Act.

## 7.10 EMERGENCY TRAVEL AND EXPENSE REGULATIONS

### 7.10.1 Emergency Travel Approval

In the event of a legitimate unforeseen emergency that requires an official or employee to travel for official business of the Tribe and a diligent effort has been made to obtain prior Council approval, the Chairman may approve such travel under this emergency provision. In such a case, the official or Chairperson is not required to obtain Council approval prior to the travel, provided that all previous travel by that individual has been liquidated. The official for whom emergency travel is approved is required to comply with the remaining requirements of this Act. The Chairperson shall report to the Council at its next meeting on the nature of the action and the purpose of the travel.

#### 7.10.2 Emergency Expense Approval

In the event that unforeseen emergency purchases are required that were not planned or expected prior to any travel, the individual making such purchases must make a diligent effort to contact the Tribal Chairperson for approval prior to the emergency expense being incurred, such expenses must be promptly reported to the Chairperson and the Fiscal Department upon return from the travel during which the emergency expenses were incurred. All emergency expenses shall be liquidated in accordance with this Act.

### 7.11 TRAVEL AND CREDIT CARD LIQUIDATION

#### 7.11.1 Travel Expense Liquidation

Within thirty (30) days from the date of return from a trip, the traveling official or employee shall submit to the Fiscal Department a full and complete liquidation for advanced travel funds. The liquidation shall be accomplished by submitting a completed "Authorization To Travel" form and attaching any receipts for expenses of the applicable per diem rates. Outstanding travel authorizations are not to exceed two advances. The Tribal Council shall review and approve credit card expenses in accordance with subsection 7.10.2 of this Act. All local travel such as mileage, needs to be submitted on a quarterly basis. No exceptions.

#### 7.11.2 Credit Card Liquidation

All charges using a Tribal credit card shall be reported (including all receipts or other appropriate supporting documentation) to the Fiscal Department and liquidated within thirty (30) days from the date the credit card charge was incurred. The Tribal Council maintains exclusive authority to approve all expenses of the Council and its employees.

### 7.12 MANDATORY FILING OF COMPLAINT

#### 7.12.1 Unreported or Unliquidated Expenses

If any official or employee fails to file a completed form liquidating travel expenditures or expenses charged to a Tribal credit card within the thirty (30) day time frame set forth in subsection 7.11.2, the Fiscal Department shall forward to such official or employee, with copies to the Chairman and Office of Tribal Attorney, a written notice that all such unreported or unliquidated expenditures are unauthorized and must be repaid within ten (10) days. If repayment is not made within ten (10) days of such notice, the Fiscal Department shall issue a written notice of delinquency to the individual and forward a copy of said notice to the Office of Tribal Attorney. Within a reasonable time after the Office of Tribal Attorney's receipt of said notice of delinquency, the Office of Tribal Attorney shall investigate and file a claim, if necessary, for repayment of such unauthorized expenses in the Hoopa Valley Tribal Court on behalf of the Hoopa Valley Tribe.

#### 7.12.2 Expenses Disapproved by Council

If the Council disapproves any expenditures for a Tribal Official or employee, the Fiscal Department shall forward to such official or employee, with copies to the Chairman and Office of Tribal Attorney, a written notice that all such unreported or unliquidated expenditures are unauthorized and must be repaid within ten (10) days. If repayment is not made within ten (10) days of such notice, the Fiscal Department shall issue a notice of delinquency to the Office of Tribal Attorney. Within a reasonable time after the Office of Tribal Attorney's receipt of said notice of delinquency, the Office of Tribal Attorney shall investigate and file a claim, if necessary, for repayment of such unauthorized expenses in the Hoopa Valley Tribal Court on behalf of the Hoopa Valley Tribe.

#### 7.12.3 Sovereign Immunity Not a Defense; Council Immunity Preserved

Because the purpose of any legal claim authorized and mandated by this Section is to recover funds spent without proper authorization, any defendant in such an action shall not be permitted to assert the Tribe's sovereign immunity as a defense. Nor shall anything in this provision be construed as a waiver by the Hoopa Valley Tribe of its sovereign immunity from unconsented lawsuit, nor as consent to bring an action against it or any of its officials or employees in their authorized capacities, including any cross claim or counter claim that might be asserted.

### 7.12 TRIBAL COURT AUTHORITY

a) If the Hoopa Valley Tribal Court finds a preponderance of the evidence that an individual failed to properly report and liquidate his or her expenses as provided herein, or if the Court determines that an individual incurred unauthorized expenses of tribal funds, or of funds under Tribal control, the Court shall declare such action in violation of this Act an order repayment to the Tribe of all funds spent without authorization or not properly reported and liquidated.

b) The Tribal Court may also impose such additional penalties as may be appropriate, either on its own motion or on motion of the Tribe. The appropriateness of such additional penalties shall depend on the circumstances surrounding and the magnitude of the violation, and may include assessment of interest, court costs and reasonable attorney fees, any consequential damages proximately caused by the violation of this Act, and as set forth below, punitive damages and other consequences for aggravated violations of this Act.

c) Where violations of this Act involve an intent to conceal wrongful conduct or defraud the Tribe, or amount to embezzlement for personal gain, the Court shall impose the strictest penalties within its authority, including punitive damages. In such cases, the Tribal Council may decide to initiate additional actions in other jurisdictions. Also in such cases, the Tribe may request the Court to determine whether such violations amount to an offense involving moral turpitude with reference to Article VI, Section 6C of the Tribal Constitution.

d) The Court may enforce its orders by garnishment of wages paid by the Tribe, by imposing a lien on future payments from the Tribe (including per capita and Council or Committee pay), or by any other method that appears effective and appropriate.

#### 7.13 SEVERABILITY

If any part of this Act is held to be invalid, it is the intent of the Council that remaining provisions shall remain in full force and effect to the maximum extent possible.

#### **CERTIFICATION**

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify that the Hoopa Tribal Council is composed of eight (8) members of which at least six (6) were present, constituting a quorum at a Regular Meeting thereof; duly and regularly called, noticed, convened and held this 7<sup>th</sup> day of August, 2003; and that this Ordinance was duly adopted by a vote of four (4) in favor, one (1) opposed and none (0) abstaining and the said Ordinance has not been rescinded, amended or modified in any way.

Dated the 7th day of August, 2003.

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Clifford Lyle Marshall, Chairman  
Hoopa Valley Tribal Council

ATTEST: \_\_\_\_\_  
Darcy A. Miller, Executive Secretary  
Hoopa Valley Tribal Council